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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/762,146 | 01/22/2004 | Frank Tsai | USP2253A-WPI | 4181 |
| 30265 | 7590 | 02/09/2006 | | |
| RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754 | | | | |
| EXAMINER AYRES, TIMOTHY MICHAEL | | | | |
| ART UNIT | | PAPER NUMBER | | |

3637

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/762,146 | TSAI, FRANK | |
| | Examiner | Art Unit | |
| | Timothy M. Ayres | 3637 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,8,11-14,16-18 and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9, 10, 15, and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action on the merits of application SN 10/762,146.

Election/Restrictions

1. Applicant's election of species I, figures 1 to 3 in the reply filed on 12/05/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. In the applicant's reply claims 1, 2, 3, 6, 7, 9, 10, 12, 13, 15, 17, 19, and 21 have been selected as being drawn to the elected invention. Claims 12, 13, 17, and 21 are drawn to the non-elected invention since the connection of the retaining arm is made on the longitudinal portion of the reinforcing arm as shown in non-elected figures 4 and 5.
3. Claims 4, 5, 8, 11-14, 16-18, and 20-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, currently claims 1-3 and 6 are generic.

Information Disclosure Statement

4. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a

separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 1, the phrase "in such a manner" in line 16 and 17 is indefinite since it provides no structural relationship. The applicant should consider phrases such as "configured" or "adapted".

8. Regarding claim 15, it is unclear as to how the two retaining arms are in a parallel manner without first reciting that the frames are folded position. The phrase "pivotally interlocked" is indefinite. It is unclear as to what limitations are being recited.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3637

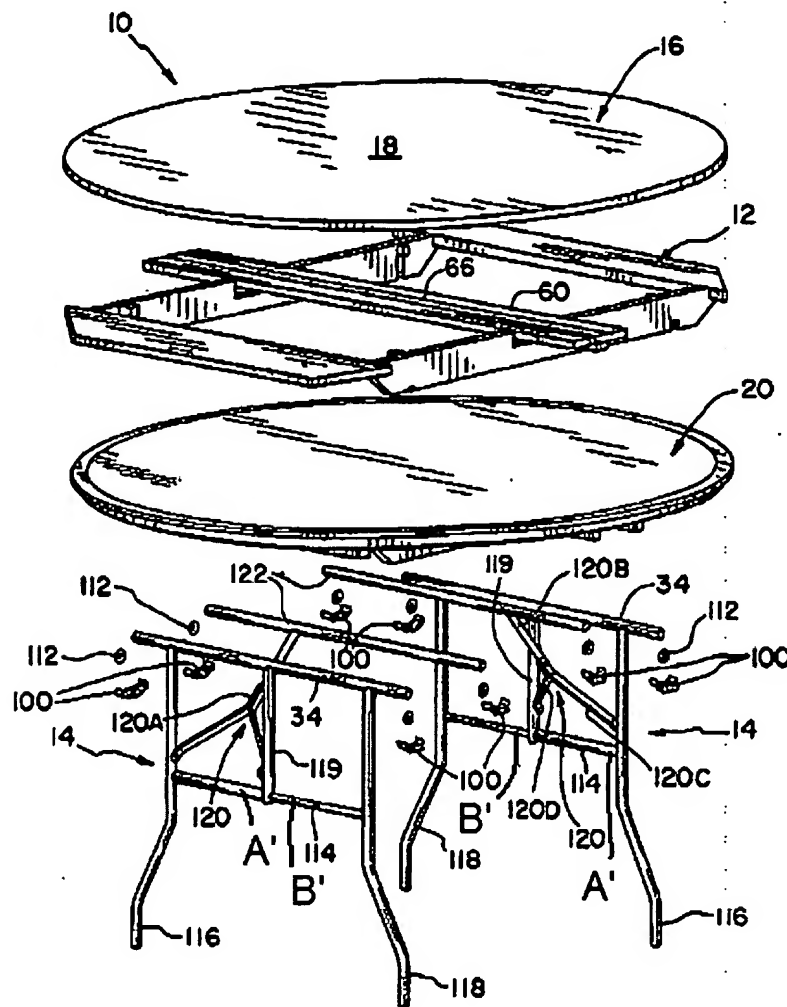
10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,678,491 to Price in view of US Patent 2,311,612 to Pleiss. Price discloses a foldable table (10) comprising a tabletop (16) and two leg frames (14) for supporting the tabletop (16). Each of the leg frames (14) comprises a transverse member (34) pivotally mounted to a bottom side of the tabletop (16). Two standing legs (118,116) extend from the transverse member (34). A reinforcing arm (A', 119) extends from the transverse member (34) to one of the standing legs (116). The leg frames (14) are adapted to be folded between an unfolded position and a folded position. Two retaining frames (120) are pivotally attached at a first end (120D) to the reinforcing arm and at a second end (120B) to a transverse cross support (122). Each of the retaining frames (120) has an adjustable length by pivoting in the middle. When the table is folded to a folded position, the retaining frame is also folded and thus reduces the length to allow the leg frames to rest on the bottom of the tabletop. The reinforcing arms (119, A') are made up of a transverse portion (A') and a longitudinal portion (119) creating an L-shaped arm with a smaller transverse portion (B') extending to the other standing leg (118). Two side supports (40,42) are longitudinally mounted along two longitudinal edge

Art Unit: 3637

portions of the tabletop and have the transverse members (34) of the leg frames (14) pivotally mounted between the side supports (40,42) as best seen in figure 8.

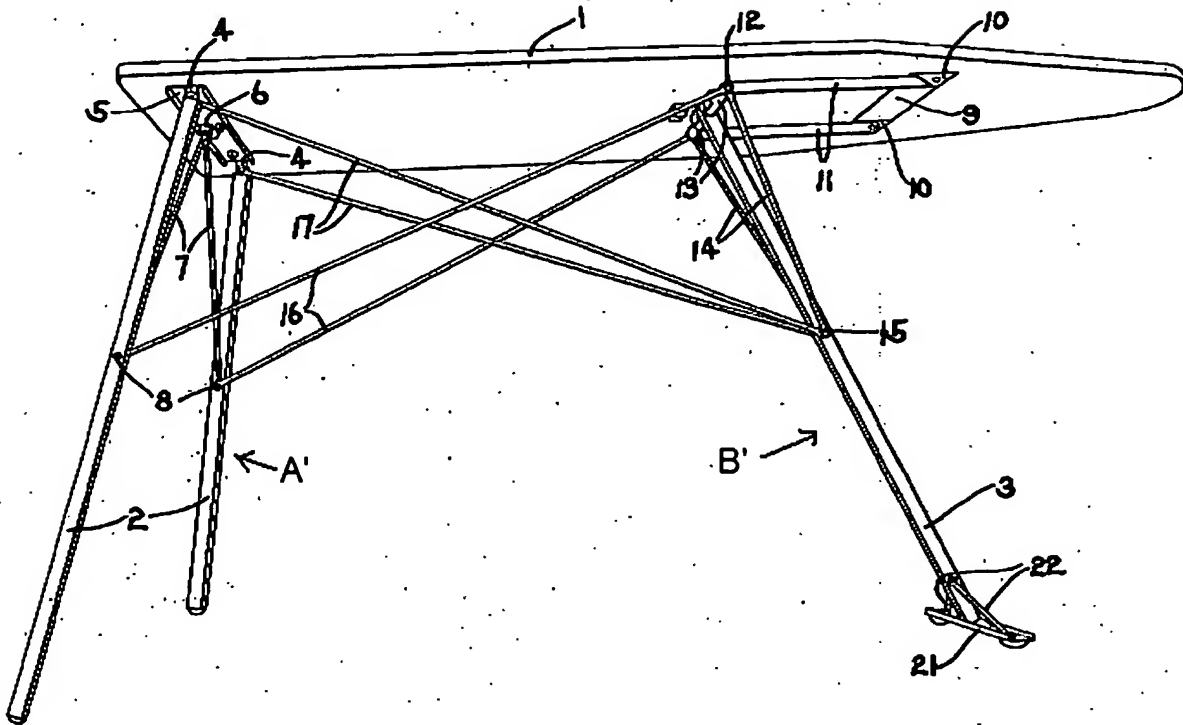


Price '491 Figure 1

12. Price does not expressly disclose the retaining frames coupling between the two leg frames and the second end of the retaining frame pivotally attached to the transverse member of the opposite leg.

Art Unit: 3637

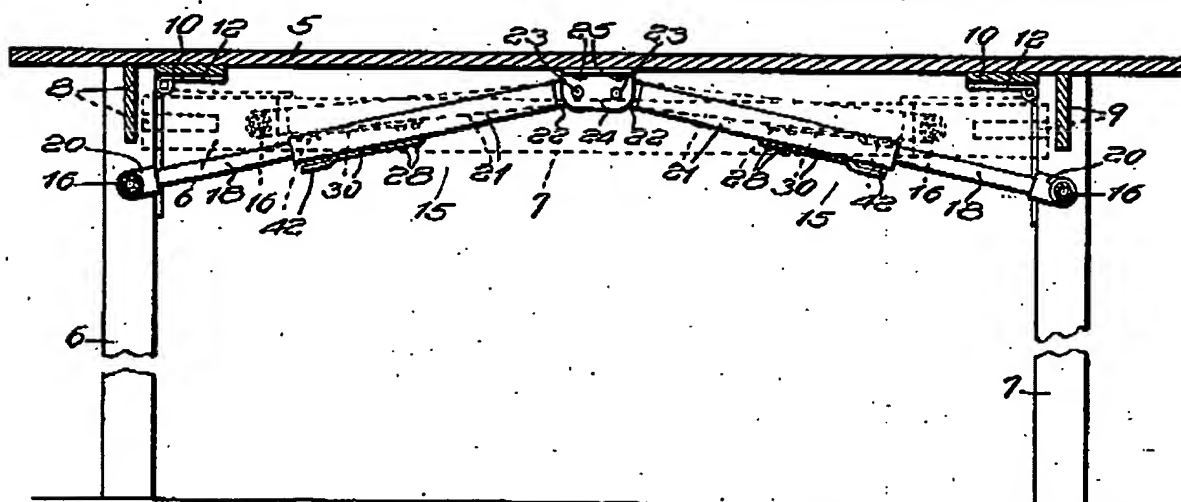
13. Pleiss teaches a foldable table (1) with two leg frames (A', B'). Reinforcing arms (7, 14) extend from transverse members (13,5) to the standing legs (2,3) of the leg frames (A', B'). Retaining frames (16, 17) extend to the standing leg (2,3) at the same point (8,15) as the reinforcing members (7,14) and extend to the transverse member (5,13) of the opposite leg frame where it is pivotally attached. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify Price by having the retaining frames extend to the transverse member on the opposite leg frame and hence coupling the leg frames together as taught by Pleiss so that the structure is more economical and sturdier (Pleiss '612, Col. 1, lines 4-9). The modification also has the effect of removing the transverse cross support, which reduces the weight of the table, which is a well-known motivation with folding tables.



Pleiss '612 Figure 1

14. Claims 2, 3, 7, 9, 10, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,678,491 to Price in view of US Patent 2,311,612 to Pleiss as applied to claims 1 and 6 above, and further in view of US Patent 1,757,260 to Silverman. Price in view of Pleiss discloses every element as claimed and discussed above except The retaining arms being tubular so as to allow a second arm member to slide coaxial into a first arm member, an arm locker provided at the first arm member to retain the control length of the retaining member, and the first ends of the retaining member pivotally connected to the transverse portion of the reinforcing arm.

15. Silverman teaches a folding table with two leg frames (A', B') and each leg frame with two standing legs (6,7). A transverse member (8,9) connects the two standing legs (6,7) and a transversely extending reinforcement arm (16) has a retaining frame (15,18,21) pivotally attached to it. The retaining frame (15,18,21) has a second arm (18) that is slidable in a first arm (21) so that the retaining frame (15,18,21) can adjust its length. An arm locker (30,32,42) is provided on the first arm member (21) to lock the arm members (18,21) through openings (34,35) and thereby controlling the length of the retaining frame (15,18,21). The arm locker (30,32,42) locks the retaining frames (15,18,21) in either the unfolded position as seen by the dark lines in figure 1 or in a folded position with the retaining arms parallel as seen by the dashed lines in figure 1. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify Price in view of Pleiss by replacing the retaining frame with the telescopic frame with an arm locker and having it connect to transverse portion of the reinforcing arm as taught by Silverman so that the retaining frame can be locked in the extended and folded position (Silverman '260, Col. 1, lines 5-13).



Silverman '260 Figure 1

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,561,106 to Tseng discloses a foldable table with side supports. US Design Patent 480,580 to Buono discloses a folding table with a reinforcing arm. US Patent 329,734 to Gosner discloses a folding table with retaining frames coupling between leg frames. US Patent 2,223,068 to Howe discloses a folding table with retaining frames coupling between leg frames. US Patent 2,828,173 to Blink discloses a folding table with retaining frames that are out of alignment and overlapping. US Patent 4,157,089 to Loughrey disclose a folding table with retaining frames that are slidable formed to adjust their length. US Patent 3,661,100 to Tennant discloses a folding table with a retaining frame that has adjustable length and extends from one leg frame to the other. US Patent 4,120,249 to Blink discloses a foldable table that has retaining frames that are telescopic. US Patent 5,004,029 to Garner disclose a frame that has pivotally connected telescopic retaining frames. US Patent 5,660,121 to Botts disclose a folding table with telescopic retaining frames connecting leg frames. US Patent 5,141,197 to Mackaay disclose a folding framework for a camper that has retaining frames that are telescopic. US Patent 5,392,718 to Stevens discloses a folding table that has retaining frames connecting two leg frames. US Patent 4,864,941 to Goulter discloses a framework that has a retaining frame pivotally connected to a transverse reinforcing arm.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA
2/2/06



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